

**OFFICIAL FILE**  
**ILLINOIS COMMERCE COMMISSION**  
STATE OF ILLINOIS

COUNTY OF C O O K ) SS  
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STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION

**ORIGINAL**  
ILLINOIS  
COMMERCE COMM  
May 9 12 52 PM '02  
CHIEF CLERK'S OFFICE

THE DEPARTMENT OF TRANSPORTATION  
OF THE STATE OF ILLINOIS, for an on behalf  
of the People of the State of Illinois,

- Petitioner

vs.

AMOCO PIPELINE COMPANY, its success-  
ors and/or assigns, n/k/a B.P. PIPELINES  
(NORTH AMERICA), INC., a foreign corporation;  
and  
UNKNOWN OWNERS

- Respondents

Petition for approval of the taking or damaging  
of certain properties owned by a public utility in  
Cook County, Illinois by exercising the right of  
eminent domain

Parcel No. OEC0002

Job No. R-90-006-94

Docket No. 02-0349

**PETITION FOR APPROVAL TO TAKE PROPERTY**

TO THE ILLINOIS COMMERCE COMMISSION:

Petitioner, THE DEPARTMENT OF TRANSPORTATION of the State of Illinois, a  
Department of the State Government of Illinois, by JAMES E. RYAN, Attorney General of the State  
of Illinois, and Douglas G. Felder, Special Assistant Attorney General, pursuant to Section 102 of  
the Eminent Domain Act of Illinois (735 ILCS 5/7-102), requests approval of the Illinois Commerce  
Commission for the taking and/or damaging of certain properties owned by AMOCO PIPELINE

COMPANY, its successors and/or assigns, n/k/a B.P. PIPELINES (NORTH AMERICA), INC., a foreign corporation, (the "Utility"), a public utility subject to the jurisdiction of the ILLINOIS COMMERCE COMMISSION.

1 Under Articles 2 and 4 of the Illinois Highway Code, (605 ILCS 5/2-101; 5/2-220; and, §§5/4-101 through 5/4-512, 2000), Petitioner is engaged in a project to widen and improve U.S. Route 30 (Lincoln Highway) from I-394 (Calumet Expressway) to Sauk Trail 53 in Cook County.

2 Under the Illinois Highway Code, U.S. Route 30 (Lincoln Highway) from I-394 (Calumet Expressway) to Sauk Trail 53 in Cook County is a part of and included in the State Highway System.

3 Section 4-501 of the said Illinois Highway Code (605 ILCS 5/4-501, 2000) provides:

"The Department, or its name, or any county may acquire the fee simple title, or such lesser interest as may be desired, to any land, rights or other property necessary for the construction, maintenance or operation of State highways, or necessary for locating, relocating, extending, widening or straightening any State highway, or necessary for locating, relocating, extending, widening or straightening an existing street or for laying out, establishing or opening a new street within the corporate limits of any municipality which has been designated by the Department as a street to form a part of or to connect with a State highway leading up to the corporate limits of such municipality, or necessary for any other purpose or use contemplated by this Code by purchase or by the exercise of the right of eminent domain under the eminent domain laws of this State and the Department shall not be required, in any case, to furnish bond."

4 The project to widen and improve U.S. Route 30 (Lincoln Highway) from I-394 (Calumet Expressway) to Sauk Trail 53 in Cook County constitutes a public purpose, namely construction and improvement of the roadway, structures and intersections at or adjacent to U.S. Route 30 (Lincoln Highway) from I-394 (Calumet Expressway) to Sauk Trail 53 in Cook County.

5 The Utility is subject to the jurisdiction of the Commission.

6       The Utility is title holder, under a grant of easement or a lease, to certain real property, said property being located in Cook County, the legal description of which is attached hereto and marked as Exhibit A. This real property is located at or adjacent U.S. Route 30 (Lincoln Highway) from I-394 (Calumet Expressway) to Sauk Trail 53 in Cook County and the Petitioner has deemed it necessary to improve the structures and intersections at U.S. Route 30 (Lincoln Highway) from I-394 (Calumet Expressway) to Sauk Trail 53 in Cook County, and improve vehicular traffic and safety of the motoring public. A copy of the Department's Plat of Highways depicting the property sought to be acquired by the Petitioner is shown on Exhibit B attached hereto.

7       Petitioner has been authorized to acquire fee simple title to Parcel No. OEC0002, legally described in Exhibit A, and it is necessary for Petitioner to acquire said property for the above-described highway construction and improvement of the structures at U.S. Route 30 (Lincoln Highway) from I-394 (Calumet Expressway) to Sauk Trail 53 in Cook County for the use of the People of the State of Illinois.

8       The terms of the compensation to be paid by the Petitioner for the property hereinafter described cannot be agreed upon between the Petitioner and the owner of the property burdened by the Utility's grant of easement or lease although Petitioner has attempted to effect such an agreement. Petitioner, therefore, is authorized and desires to proceed to acquire the property under the eminent domain laws of this State.

9       Section 7-102 of the Code of Civil Procedure (735 ILCS 5/7-102) requires Petitioner to obtain approval of the Commission prior to the taking or damaging of the Utility's property described in Exhibit A.

WHEREFORE, Petitioner, THE DEPARTMENT OF TRANSPORTATION OF THE  
STATE OF ILLINOIS, requests the Commission to approve the taking or damaging of the above  
described real property of the Utility by the exercise of the right of eminent domain.

THE DEPARTMENT OF TRANSPORTATION  
OF THE STATE OF ILLINOIS, for and  
on behalf of the People of the State of Illinois

By: JAMES E. RYAN  
Attorney General of Illinois

By: Douglas G. Felder  
Douglas G. Felder  
Special Assistant Attorney General

STATE OF ILLINOIS       )  
                                  ) SS  
COUNTY OF C O O K    )

I, Douglas G. Felder, being first duly sworn, upon oath, depose and say that I am  
a Special Assistant Attorney General for the State of Illinois, that I have read the above and  
foregoing Petition by me subscribed, I have knowledge of the contents thereof, and that on  
information and belief said contents are true and correct.

Douglas G. Felder  
Douglas G. Felder  
Special Assistant Attorney General

SUBSCRIBED and SWORN  
to before me this 7<sup>th</sup> day of  
May 2002.

[Signature]  
Notary Public  
SEAL  
E MERAZ  
ate of Illinois  
xp. 05/15/02

**AFFIDAVIT OF SERVICE**

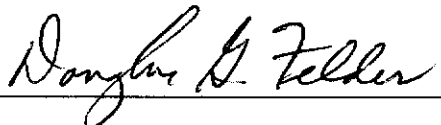
I, Douglas G. Felder, an attorney, certify that I served the foregoing Petition upon the following addresses at their respective addresses set forth:

**VIA CERTIFIED MAIL AND U.S. MAIL**

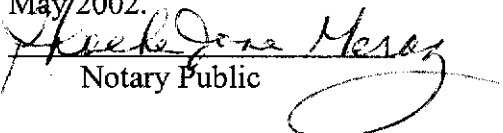
Illinois Commerce Commission  
527 East Capital  
Springfield, Illinois 62708  
(original and three copies)

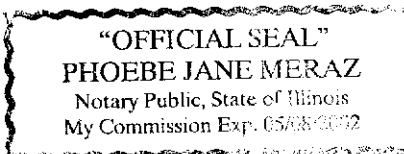
B.P. Pipelines (North America), Inc.  
f/k/a Amoco Pipeline Company  
c/o Registered Agent: Prentice-Hall Corporation  
33 North LaSalle Street  
Chicago, IL 60602

by enclosing a copy of said Petition, together with Exhibits A and B to said Petition, in an envelope correctly addressed with sufficient first class postage affixed thereto, sealed and deposited said envelopes in the U.S. Mail Chute at 20 South Clark Street, Chicago, Illinois, before 5:00 p.m. on the 7<sup>th</sup> day of May 2002.



SUBSCRIBED and SWORN  
to before me this 7<sup>th</sup> day of  
May 2002.

  
Notary Public



Douglas G. Felder  
Douglas G. Felder, P.C.  
Special Assistant Attorney General  
20 South Clark Street  
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312/634-3509